ORDINANCE NO. 07-54

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SETTING THE ELECTION DATE FOR THE GENERAL ELECTION FOR THE YEAR 2007 FOR THE DATE OF TUESDAY, NOVEMBER 20, 2007 FOR THE OFFICE OF THE CITY COUNCIL WHOSE INDIVIDUAL MEMBER TERMS EXPIRE IN 2007 PURSUANT TO MUNICIPAL POWERS VESTED BY STATE LAW ACCORDING TO FLORIDA STATUTES §§ 166.021(4) AND 100.3605(2), IN ORDER TO CONDUCT ELECTIONS ON THE SAME DATE AS OTHER MUNICIPALITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to a request by Miami-Dade County to extend the date of municipal general or run-off elections so that the County can print and mail absentee ballots and provide early voting, the Cities of Miami Beach and Miami have extended their respective general or run-off elections to November 20, 2007; and

WHEREAS, pursuant to section 166.021(4), Florida Statutes, the Florida Legislature amended municipal government powers to allow the selection of election dates and qualifying periods of candidates and changes in the terms of office necessitated by such changes without referendum; and

WHEREAS, similarly, the Florida Election Code, section 100.3605, Florida Statutes, provides for changing election dates for members of its governing body by ordinance, which Hialeah Charter § 5.04 provides for general elections on the second Tuesday of November of each odd numbered year; and

WHEREAS, it is in the best interest of the City to change the election date in order to coincide with other municipalities, avoid voter confusion and save the substantial expense of conducting a separate municipal election.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1:   The Mayor and the City Council of the City of Hialeah, Florida hereby extend the election date for the general election for the year 2007 to Tuesday, November 20, 2007, for the Office of the City Council whose individual member terms expire in 2007, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2), in order to conduct elections on the same date as other municipalities.

Section 2:   Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3:   Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed $500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

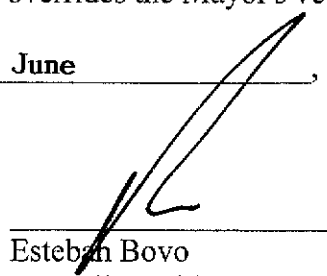**Section 4:   Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: **Effective Date.**

This ordinance shall become effective when passed by the City Council and

signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this __12__ day of __June__ , 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
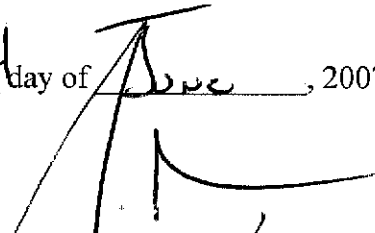FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Esteban Bovo
Council President

Attest:

Approved on this __14__ day of __June__ , 2007.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".